

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SAGE REDWIND,

Plaintiff,

v.

WESTERN UNION LLC,

Defendant.

No. 3:18-cv-02094-SB

OPINION AND ORDER

MOSMAN, J.,

On November 19, 2019, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 99], recommending that I grant in part and deny in part Plaintiff Sage Redwind’s Motion to Strike [ECF 65]. No objections were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).


CONCLUSION

Upon review of the F&R, I agree with Judge Beckerman's reasoning and analysis. Therefore, I ADOPT the F&R [99] as my own opinion. I GRANT in part and DENY in part Plaintiff Sage Redwind's Motion to Strike [65]. For the reasons explained in Judge Beckerman's F&R, I GRANT Ms. Redwind's motion with respect to Defendant Western Union's affirmative defenses 2-9 and 12-13; those affirmative defenses are stricken with leave to amend. *See* F&R [99] at 5-6. In addition, I GRANT the motion with respect to affirmative defense 14; that defense is stricken without leave to amend. *Id.* I DENY Ms. Redwind's motion with respect to Western Union's affirmative defenses 1, 10, and 11. *Id.*

The deadline for Western Union to file an amended answer in accordance with this opinion is December 23, 2019.

IT IS SO ORDERED.

DATED this 17 day of December, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge